IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO. 26 OF 2005

IN

COMPANY PETITION NO. 10 OF 1999

M/S DAMODAR MANGALIJI AND CO.LTD., PANAJI GOA ....Applicant

Versus

OFFICIAL LIQUIDATOR,PANAJI GOA. ....Respondent

None present for the Applicant.

Ms. A. Razaq, Advocate for the Respondent.

Coram:- N. A. BRITTO, J.

Date:- 2nd February, 2007

P.C.:-

None present on behalf of the applicant. So also none was present on 19-1-2007 when the matter came on Board.

Heard the learned Counsel Ms. Amira Razaq on behalf of the respondent.

It can be seen that the applicant had obtained a decree against the Company now in liquidation on or about 4-10-2001 for the recovery of a sum of Rs.4,00,000/- with interest at the rate of 6% per annum and thereafter an execution application was filed before the learned Civil Judge, Senior Division at Panaji on or about 25-4-2002. The Company was directed to be wound up by Order dated 21-6-2002 and by the same Order a Liquidator was appointed. It appears that the applicant is an unsecured creditor of the Company in Liquidation. By Order dated 5-8-2005, at the request of the applicant the said execution application was ordered to be called before this Court. Considering the fact situation,

the applicant would be at liberty to pursue his claim of recovery of the said amount of Rs.4,00,000/- with interest thereon at 6% as a debt payable to him before the Official Liquidator at the appropriate stage. In other words, the claim of the applicant will be considered as a claim of an unsecured creditor at the appropriate stage.

With the above observation, the application is disposed of.

N. A. BRITTO, J.

RD.